



Attorney Docket No. 5051.6161P

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ben-Bassat et al.

Application Serial No.: 09/997,664

Filed: November 28, 2001

For: *Method for production of p-hydroxybenzoate in species of Pseudomonas and Agrobacterium*

Confirmation No.: 5764

Group Art Unit: 1652

Examiner: D. Steadman

July 6, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. § 1.48 AND 35 U.S.C. § 116**

Sir:

Pursuant to 37 C.F.R. 1.48(a), please delete the name Katharine J. Gibson as an inventor to the above-identified application. In support of this petition are included:

- (a) A verified statement by Katharine J. Gibson that the error in inventorship occurred without deceptive intention on her part (unsigned);
- (b) A Consent of Assignee to be executed by the assignee (unsigned);
- (c) A Declaration and Power of Attorney; and
- (d) A check in the amount of \$340.00 (\$210.00 for a two-month extension of time and \$130.00 processing fee under 37 C.F.R. 1.17(i) to correct inventorship).

The joint inventor was included as a result of error and without deceptive intention. The joint inventor, Katharine J. Gibson, was included as a result of judgment by the Agent that there were sufficient facts at the time of filing to add her as an inventor. Only after the application had been filed was it conclusively discovered that the named inventor had been included in error. Upon reviewing the claims as drafted and reviewing the facts, it was decided that Katharine J. Gibson is not a joint inventor as to any of the claims, and thus, should be deleted to appropriately correct the inventorship. A mistake of judgment concerning the proper inventive entity can constitute a correctable "error" within the meaning of 35 C.F.R. § 116. In re Schmidt, 130 U.S.P.Q. 404 (C.C.P.A. 1961). Further, the proper inventive entity need not be conclusively proved "so long as the existence of error without deceptive intention is satisfactorily demonstrated." In re Searles, 164 U.S.P.Q. 623, 628 (C.C.P.A. 1970).

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In re: Ben-Bassat et al.  
Application Serial No.: 09/997,664  
Filed: November 28, 2001  
Page 2

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Therefore, it is respectfully requested that the included inventor be deleted to correct the inventorship.

Respectfully submitted,

*Mary L. Miller*

Mary L. Miller  
Registration No. 39,303

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR §1.10**

"Express Mail" mailing label number: EV 472538753 US

Date of Deposit: July 6, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Cathy A. Sohetzina*

Cathy A. Sohetzina



Attorney Docket No. 5051.6161P

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**VERIFIED STATEMENT**

**UNDER 37 C.F.R. § 1.48(a) by Katharine J. Gibson**

Sir:

Pursuant to 37 C.F.R. § 1.48(a), I state that the error in including me as an inventor on this application arose without any deceptive intent on my part.

Respectfully submitted,

\_\_\_\_\_  
**Katharine J. Gibson**

\_\_\_\_\_  
Date



Attorney Docket No. 5051.6161P

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**CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP**  
**UNDER § 1.48(a)**

Sir:

The below-named officer who represents North Carolina State University, the assignee of the above-identified application, hereby consents to the amendment of the patent application under 37 C.F.R. § 1.48(a), to remove the following inventor:

Katharine J. Gibson

North Carolina State University is owner of the entire right, title, and interest in the above-referenced patent application as evidenced by the attached copy of an assignment from E.I. DuPont de Nemours and Company to North Carolina State University, which Assignment document is being sent to the U.S. Patent and Trademark Office for recordation. E.I. Dupont de Nemours and Company was the owner of the entire right, title, and interest in the above-referenced patent application as evidenced by an assignment from Arie Ben-Bassat, Anthony A. Gatenby and Juan Ramos to E.I. DuPont de Nemours and Company, as recorded in the U. S. Patent and Trademark Office on 12/23/02 at Reel 013624 and Frame 0914.

The undersigned (whose title is supplied below) is authorized to sign this document on behalf of the Assignee.

Respectfully submitted,  
North Carolina State University

By: \_\_\_\_\_  
Donna Cookmeyer

Title: Director, Office of Technology Transfer

Date: \_\_\_\_\_



### ASSIGNMENT

THIS ASSIGNMENT, made by **E.I. Du Pont de Nemours and Company**, a corporation having a principal place of business at 1007 Market Street, City of Wilmington, State of Delaware, hereinafter referred to as assignor;

WITNESSETH: That,

WHEREAS, the Assignor is the owner of certain new and useful improvements in METHODS FOR THE PRODUCTION OF *p*-HYDROXYBENZOATE IN SPECIES OF *PSEUDOMONAS* AND *AGROBACTERIUM* for which patent application Serial No. 09/997,664 was filed on November 28, 2001 in the United States Patent and Trademark Office.

WHEREAS, **North Carolina State University** a constituent institution of The University of North Carolina, and an educational institution chartered under the laws of the State of North Carolina having a principal office at 1 Holladay Hall, County of Wake, State of North Carolina, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To All Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the above assignor has sold and by these presents does hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or other forms of protection thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted along with any term extensions thereon or therefor, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by assignor if this assignment and sale had not been made.

The assignor hereby requests that said Letters Patent be issued in accordance with this assignment.

The assignor further covenants and agrees that, at the time of the execution and delivery of these presents, it possesses full title to the invention and patent application thereon as earlier identified, and that it has the unencumbered right and authority to make this assignment.

The assignor further covenants and agrees to promptly communicate to said assignee or its representatives any facts known to the assignor relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives; and the assignor hereby instructs, and further covenants and agrees to bind its legal representatives and assigns, to do same, without further compensation, but at the expense of said assignee or its representatives.

IN WITNESS WHEREOF, the assignor has caused this assignment to be executed this  
16<sup>th</sup> day of January, 2003

By: Roger Bowman (SEAL)  
Its: Roger A. Bowman

STATE OF )  
 ) ss:  
COUNTY OF )

Before me personally appeared **Roger Bowman**, to me known to be the person described in and who executed the foregoing instrument, and s/he acknowledged to me that s/he executed the same for the purposes therein stated, this 16<sup>th</sup> day of January, 2003

Iris M. Brooker  
Notary Public

(SEAL)

My Commission Expires: IRIS M. BROOKER  
NOTARY PUBLIC-DELAWARE  
My Commission Expires Feb. 10, 2003



**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD FOR PRODUCTION OF p-HYDROXYBENZOATE IN SPECIES OF PSEUDOMONAS AND AGROBACTERIUM,**

the specification of which

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Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

NONE	
Application Number(s)	Filing Date (MM/DD/YYYY)
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below.

09/585,174	06/01/2000	Pending
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international applications filed by me with an appropriate receiving office claiming priority to the U.S.



application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

**Customer Number:**



**20792**

PATENT TRADEMARK OFFICE

Send correspondence to:

Mary L. Miller

**Customer Number:**



**20792**

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Direct telephone calls to:

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(919) 854-1400

Facsimile:

(919) 854-1401

Full name of first inventor: **Arie Ben-Bassat**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Newark, Delaware, USA

Citizenship: United States of America

Mailing Address: 812 Sheldon Drive  
Newark, Delaware 19711  
United States of America

Full name of second inventor: **Monica M. (Cattermole) Olson**

Inventor's

Signature:  Date: 5/3/03

Residence: Newark, Delaware, USA

Citizenship: United States of America

Mailing Address: 4 Sebastian Drive  
Newark, Delaware 19711  
United States of America

Full name of third inventor: **Anthony A. Gatenby**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Wilmington, Delaware USA

Citizenship: United States of America

Mailing Address: 2309 Baynard Blvd.  
Wilmington, Delaware 19802  
United States of America

Full name of fourth inventor: **M. Isabel Ramos-Gonzalez**

Inventor's  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Granada, Spain

Citizenship: Spain

Mailing Address: C/Castañeda No. 18, 2° Iz  
18009 Granada, Spain

Full name of fifth inventor: **Juan L. Ramos**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Granada, Spain

Citizenship: Spain

Mailing Address: Calle Los Rosales Núm. 6  
18191 Pinos Genil  
Granada, Spain

Full name of sixth inventor: **Sima Sariaslani**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Wilmington, Delaware, USA

Citizenship: United States of America

Mailing Address: 22 Stone Tower Lane  
Wilmington, Delaware 19803  
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Inventor's

Signature: Anthony A. Gatenby Date: 4/24/2003

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Full name of first inventor: **Arie Ben-Bassat**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Full name of second inventor: **Monica M. (Cattermole) Olson**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Full name of third inventor: **Anthony A. Gatenby**

Inventor's

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Full name of fourth inventor: **M. Isabel Ramos-Gonzalez**

Inventor's

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Full name of fifth inventor: **Juan L. Ramos**

Inventor's

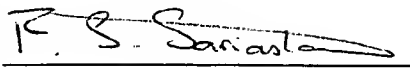
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Residence: Granada, Spain

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Full name of sixth inventor: **Sima Sariaslani**

Inventor's  
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**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD FOR PRODUCTION OF p-HYDROXYBENZOATE IN SPECIES OF PSEUDOMONAS AND AGROBACTERIUM,**

the specification of which

☐ is attached hereto

OR

☒ was filed on November 28, 2001 as United States Application No. 09/997,664.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56, including material information that became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

NONE			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

NONE	
Application Number(s)	Filing Date (MM/DD/YYYY)
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below.

09/585,174	06/01/2000	Pending
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international applications filed by me with an appropriate receiving office claiming priority to the U.S.



application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

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Full name of first inventor: **Arie Ben-Bassat**

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Full name of third inventor: **Anthony A. Gatenby**

Inventor's

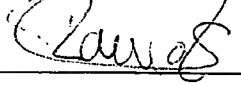
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Full name of fifth inventor: **Juan L. Ramos**

Inventor's  
Signature:



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